HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No.9079 OF 2007

DATE: 04.06.2007

Between:

Deyyala Nagarathnam

..... PETITIONER

AND

The Superintendent of Police,
Kakinada, E.G. District& 2 others.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION No.9079 of 2007

ORDER: (Per Hon'ble Sri Justice A. Gopal Reddy)

Petitioner moved this Court under Article 226 of Constitution of India complaining illegal detention of her grand-son by the police on 18.3.2007.

It is alleged that though the petitioner made a complaint to the Sub-Inspector of Police, Karapa Police Station on 19.3.2007, regarding the harassment and illegal detention of her grand son namely Deyyala V. Venkatramana by the police, no action was taken. Therefore, a registered notice was issued to the Superintendent of Police on 17.4.2007 and in spite of the same, the alleged detenu has not been produced before the Court and therefore, the action of the third respondent is in violation of Article 21 for which, he is liable to pay compensation of Rs.5,00,000/-.

In response to the notice issued, third respondent filed a counter affidavit on 28.4.2007 stating that on 24.4.2007 one Pilli Veeravenkata Satyavathi lodged a complaint with Karapa Police Station stating that her marriage was fixed with one Deyyala Venkatramana (alleged detenu) and he demanded a sum of Rs.1,00,000/- as dowry and he would cancel the marriage if the said amount is not arranged. On the said complaint, a case in Crime No.32 of 2007 was registered under Section 3 of Dowry Prohibition Act and Section 417 of I.P.C. and investigation was taken up in the matter. During the course of investigation, on 25.4.2007 on receipt of information that the alleged detenu is at his residence, the third respondent along with his

staff went to his house and apprehended him at his house after informing the reasons for his arrest and complied with the required formalities for the arrest. The alleged detenu was produced before the IV Additional Judicial First Class Magistrate, Kakinada on the same day and the learned Magistrate enlarged the alleged detenu on bail.

In the circumstances explained in the counter affidavit, no cause survives in this Writ Petition. However, learned counsel for the petitioner contends that the petitioner is entitled for compensation for illegal detention of the alleged detenu, but he is unable to say whether the said fact was raised before the Magistrate when the alleged detenu was produced in the Court or in the bail application. In view of the same, it is not a fit case where this Court can make an enquiry into the alleged compensation claimed by the petitioner. However, liberty is granted to the petitioner to avail the remedy for recovery of compensation, if any, before the appropriate Court.

With the above observation, the Writ Petition is dismissed. No costs.

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A. GOPAL REDDY, J.

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04th JUNE, 2007 P. SWAROOP REDDY, J.

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